

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2000-399

May 17, 2000

CITY OF ELLSWORTH, WATER DEPARTMENT

Application for Approval of Issue

Of Securities (§ 902) (Two Bonds) ( \$500,000 & \$400,000) ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On, May 5, 2000 the City of Ellsworth, Water District(the Department) filed with the Commission its application for authority to issue its bonds in a sum not to exceed \$900,000 through the U.S. Department of Agriculture, Rural Development, at an annual rate not to exceed 4.75 percent. The debt will be paid over a term not to exceed 30 years.

The bonds will be issued in two parts. The first bond, in the amount of \$500,000 is scheduled for closing on or about June 1, 2000. The second bond, in the amount of \$400,000 shall be issued at such time as may be designated by the lender.

The Department requires these funds to make improvements to its water system, including but not limited to replacement of a standpipe on State Street and water mains on Main Street from Union River Bridge to Union Street.

Pursuant to an Amended Delegation Order dated January 9, 1996 in Docket No. 93-169, the Commission delegated to the Director of Finance its authority under 35-A M.R.S.A., Chapter 9, and 11, to approve water utility financing applications, including those that involve mortgaging utility property, for Maine Municipal Bond Bank, Rural Economic & Community Development Administration and their successors. This delegation in no way limits the Commission's authority to review the decision of the Director of Finance pursuant thereto or to directly consider requests for variations. The Director of Finance's approval shall be in the form of an Order, copies of which shall be maintained in the files of the office of the Administrative Director.

Having reviewed the application of the Department, together with data filed in support of it, it is the opinion of the Commission that the proceeds of the issuance of the bonds are required in good faith for the purposes enumerated in 35-A M.R.S.A. § 901. In approving this securities issue, consistent with normal practice and pursuant to §902 (4), the Commission does not imply approval of the Department's capital needs or capitalization ratio for ratemaking purposes, nor does this Order limit or restrict the powers of the Commission in determining or fixing any rate.

Accordingly, pursuant to the Amended Delegation Order dated January 9, 1996, in Docket No. 93-169, I

O R D E R

1. That the City of Ellsworth Water Department is hereby authorized to issue its bonds in a sum not to exceed \$900,000, one in the amount of \$500,000 and one in the amount of \$400,000, to be used solely for the purposes described in this Order, and at a rate not to exceed 4.75 percent per year through the U.S. Department of Agriculture, Rural Development for a term not to exceed 30 years.
2. That the District report to the Commission, in writing its doings pursuant to this Order within sixty(60) days of the date of the issue of the proposed bonds, or by October 31, 2000, whichever may come first.
3. That a copy of this Order be mailed to interested parties and this Docket be closed.

Dated at Augusta, Maine, this 17th day of May, 2000.

BY ORDER OF THE ACTING DIRECTOR  
OF FINANCE

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Richard Kania  
Acting Director of Finance

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.

